

SIEMENS**FACSIMILE COVER SHEET**RECEIVED
CENTRAL FAX CENTER

JUL 28 2006

In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Hans-Martin Dietrich

Application No. 10/501,750

Attorney Docket No. 2002P00211WOUS

Filed: July 15, 2004

Title: /IMPROVED DATA PROTECTION FOR POSITION DEPENDENT SERVICES

Examiner: Nghi H. Ly

Art Unit: 2617

⇒ **FACSIMILE ATTN TO: NGHI H. LY FAX NO.: 571-273-8300****RESPONSE TO FINAL OFFICE ACTION**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**Certificate of Transmission under 37 CFR 1.8**I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on
July 28, 2006.Ann Hickey

Ann Hickey

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg)
PTO/SB/21 Transmittal Form (1 pg)
Response to Office Action bearing "Date Mailed" of 06/26/2006 (3 pgs)**Number of pages being transmitted (including this cover sheet): 5 pgs**

The information contained in this facsimile message may contain attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us. Thank you.

Siemens CorporationLegal and Intellectual Property
Department4400 Alafaya Trail
Orlando Florida 32826Tel: 407-736-2472
FAX: 407-736-6440

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|--|---|------------------------|----------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 10/501,750 |
| | | Filing Date | July 15, 2004 |
| | | First Named Inventor | Hans-Martin Dietrich |
| | | Art Unit | 2617 |
| | | Examiner Name | Nghi H. Ly |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 2002P00211WOUS |

RECEIVED
CENTRAL FAX CENTER

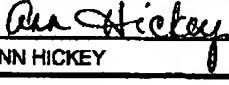
JUL 28 2006

| | | |
|---|--|--|
| ENCLOSURES (check all that apply) | | |
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet Including a certificate of transmission under 37 CFR 1.8 |
| Remarks Response to Final Office Action bearing "date mailed" of 06/26/2006 is being filed. | | |

| | | | |
|---|---|----------|--------|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
| Firm | SIEMENS | | |
| Signature |  | | |
| Printed Name | JOHN P. MUSONE | | |
| Date | JULY 28, 2006 | Reg. No. | 44,981 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | |
|-----------------------|---|
| Signature |  |
| Typed or printed name | ANN HICKEY |
| Date | |

JULY 28, 2006

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

JUL 28 2006

SIEMENSPATENT
Attorney Docket No. 2002P00211WOUS**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

| | | | |
|-------------|--|---|-----------------------|
| Inventor: | H-M. Dietrich et al. |) | Group Art Unit: 2617 |
| Serial No.: | 10/501,750 |) | Examiner: LY, Nghi H. |
| Filed: | 07/15/2004 |) | |
| Title: | IMPROVED DATA PROTECTION FOR POSITION DEPENDENT SERVICES | | |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE UNDER 37 CFR 1.116

This paper is in response to the final rejection contained in the Office Communication dated as mailed June 26, 2006, and having a timely response due date of September 26, 2006. The final rejection is based upon new grounds of rejection presented by the Examiner for the first time in the pending Action. Accordingly, the applicants respectfully request that the Examiner consider and respond to the following remarks prior to due date for the Notice of Appeal of the final rejection.

Claims 18-27, 29-32 and 34 stand rejected as being unpatentable over Havinis et al., US pat. No. 6,311,069 (hereinafter Havinis) in view of Kingdon et al., US Publication No. 2001/0014604A1 (hereinafter Kingdon). Claim 28 stands rejected as being unpatentable over Havinis in view of Kingdon and further in view of Koch, US pat. No. 6,961,417 (hereinafter Koch).

**Serial No. 10/501,750
Atty. Doc. No. 2002P00211WOUS**

Claim 18 is directed to a method for requesting the agreement of a user of a mobile terminal 13 (FIG. 3) of a mobile radio network to the transfer of their position data to a party, e.g., Locator Services Application (LCS) 11, requesting this position data. The method allows providing a central privacy entity 26 comprising a database server for storing privacy data 18 regarding the mobile terminal. In particular, the central privacy entity constitutes a separate entity from a Home Location Register (HLR) 16 for the mobile terminal. The privacy data 18 stored in the database server at the central privacy entity is defined to assign to the mobile terminal at least one verification rule as to whether an agreement must be obtained on the mobile terminal side to forward the mobile terminal position to the requester. The switching center 14 of the mobile radio network (in the event of the arrival of a request from a requester for the position of the mobile terminal) causes the database server at the central privacy entity 26 to make a check on the basis of the privacy data stored there. The results of the check performed at the central privacy location 26 are sent to the switching center 14. If the result indicates that an agreement must be obtained, the switching center 14 sends a request for an agreement to the mobile terminal. If the agreement is received by the switching center, then the position of the mobile terminal is sent by the switching center to the requester.

The Office communication correctly acknowledges that Havinis fails to disclose or suggest that the central privacy entity constitutes a separate entity from a Home Location Register (HLR) for the mobile terminal. The Office communication then applies Kingdon to purportedly remedy the deficiencies of Havinis regarding the claimed invention. However, as discussed in greater detail below, the combination of Kingdon with Havinis fails to result in the claimed invention.

Kingdon is directed to provisioning assistance GPS data to a mobile station. The claimed invention is directed to safeguarding privacy data from the mobile station when the mobile station is requested to report its location. Kingdon does not even consider the privacy issues that arise when the reporting of location is from the mobile station, as does the claimed invention. Although Kingdon may use a database (VLR 16), the utilization of such a database is inapplicable regarding the claimed invention in view of the diametrically opposite operation of

**Serial No. 10/501,750
Atty. Doc. No. 2002P00211WOUS**

Kingdon. Accordingly, Kingdon fails to remedy the deficiencies of Havinis, and the Havinis/Kingdon references, singly or in combination, fail to meet the burden required to make a *prima facie* case to sustain a 103 rejection. Accordingly, the rejection of claim 18, and claims depending from that claim, should be withdrawn.

In connection with dependent claim 28, it is respectfully submitted that Koch fails to overcome the deficiencies of Havinis/Kingdon noted above in connection with claim 18, the parent claim of claim 28. Consequently, the Havinis/Kingdon/Koch combination fails to render unpatentable claim 28.

Claim 34 is directed to a computer readable media containing program instructions for requesting the agreement of a user of a mobile terminal of a mobile radio network to the transfer of their position data to a party requesting this position data. It is respectfully submitted that in view of the foregoing discussion Havinis/Kingdon also fails render unpatentable claim 34.

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/28/06

By: John P. Musone

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830